

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG-CHARLOTTESVILLE DIVISION

In re:

FRANK THOMAS DOMBROWSKI,

CHAPTER 13

Debtor.

CASE NO. 07-61223-WA3-13

SUNTRUST MORTGAGE, INC.,

Plaintiff.

vs.

FRANK THOMAS DOMBROWSKI  
AKA FRANK DOMBROWSKI  
HERBERT L. BESKIN, TRUSTEE,

Defendants.

**MOTION FOR RELIEF, NOTICE OF HEARING  
AND CONSENT TO WAIVER PURSUANT TO 11 U.S.C. 362(e)**

NOTICE

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WISH THE COURT TO GRANT THE RELIEF SOUGHT IN THE MOTION, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE MOTION, THEN WITHIN FIFTEEN (15) DAYS FROM THE DATE OF SERVICE OF THIS MOTION, YOU MUST FILE A WRITTEN RESPONSE EXPLAINING YOUR POSITION WITH THE COURT AND SERVE A COPY ON THE MOVANT. UNLESS A WRITTEN RESPONSE IS FILED AND SERVED WITHIN THIS FIFTEEN (15) DAY PERIOD, THE COURT MAY DEEM OPPOSITION WAIVED, TREAT THE MOTION AS CONCEDED, AND ISSUE AN ORDER GRANTING THE REQUESTED RELIEF WITHOUT FURTHER NOTICE OR HEARING.

IF YOU MAIL YOUR RESPONSE TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL RECEIVE IT ON OR BEFORE THE EXPIRATION OF THE FIFTEEN (15) DAY PERIOD.

**ATTEND THE PRELIMINARY HEARING SCHEDULED TO BE HELD ON SEPTEMBER 17, 2007 AT 9:30 AM IN THE U. S. BANKRUPTCY COURT, LYNCHBURG-CHARLOTTESVILLE DIVISION U. S. COURTHOUSE, COURTROOM #200, 255 W. MAIN STREET, CHARLOTTESVILLE, VA.**

NOTICE FROM SAMUEL I. WHITE, P.C.

PURSUANT TO THE FEDERAL FAIR DEBT COLLECTION PRACTICES ACT, WE ADVISE YOU THAT SAMUEL I. WHITE, P.C., COUNSEL FOR THE PLAINTIFF, IS A DEBT COLLECTOR, ATTEMPTING TO COLLECT THE INDEBTEDNESS REFERRED TO HEREIN, AND ANY INFORMATION WE OBTAIN FROM YOU WILL BE USED FOR THAT PURPOSE.

**MOTION FOR RELIEF**

The Motion of SunTrust Mortgage, Inc., by Counsel, hereby moves the Court for relief from the automatic stay and in support thereof represents unto the Court:

1. This Court has Jurisdiction over this proceeding pursuant to 28 U. S. C. Sections 157 and 1334 and 11 U. S. C. 362 (d), and that this matter is a core proceeding.
2. The Debtor filed a Petition under Chapter 13 of the Bankruptcy Code on July 3, 2007.
3. The Debtor is the owner of the real property located at 206 Great Run Lake, Radian, VA, which property is described as:

**ALL THAT CERTAIN LOT OR PARCEL OF LAND WITH ALL IMPROVEMENTS THEREON AND APPURTENANCES THEREUNTO LYING AND BEING SITUATE IN THE LOCUST DALE MAGISTERIAL DISTRICT OF MADISON COUNTY, VIRGINIA, OFF STATE ROUTE 696, DESIGNATED AS LOT 2, CONTAINING 10.249 ACRES, MORE OR LESS, AS SHOWN AND DESCRIBED ON A PLAT OF SURVEY BY BRUCE W. PARKER, L.S., DATED AUGUST 8, 1996, RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF MADISON COUNTY IN PLAT BOOK 21, PAGE 34; REFERENCE TO SAID PLAT IS MADE FOR A MORE COMPLETE AND PARTICULAR METES AND BOUNDS DESCRIPTION OF PROPERTY HEREIN CONVEYED. TAX MAP PARCEL DESIGNATION IN SAID COUNTY IS 58-9H.**

4. Plaintiff is the holder of a certain Deed of Trust Note dated June 24, 2003, which Note is secured by a Deed of Trust of even date and duly recorded.
5. The account is in arrears for 6 monthly mortgage installments. The approximate reinstatement through August, 2007, is \$11,751.38, calculated as follows:

1 monthly payment (02/07) @ \$1,567.98/month	\$ 1,567.98
6 monthly payments (03/07-08/07) @ \$1,525.26/month	9,151.56
Accrued post-petition late charges	381.84
Bankruptcy fees and costs	<u>650.00</u>
Total	\$ 11,751.38

6. The unpaid principal balance due on said note is \$135,868.19, and the present approximate payoff balance is \$146,775.00.

7. It is the opinion of the Plaintiff that the Debtor is financially unable to maintain said obligation and that Plaintiff will suffer irreparable injury, loss and damage if it is not permitted to foreclose upon its security interest; otherwise Plaintiff is without adequate protection.

8. Debtor's Chapter 13 Plan filed July 27, 2007, and dated July 26, 2007, indicates surrender of the property.

9. Plaintiff consents to the extension of the automatic stay imposed by 11 U.S.C. Section 362(a) beyond the thirty-day limit imposed by 11 U.S.C. Section 362(e) to September 17, 2007, and waives its rights thereunder.

**WHEREFORE**, Plaintiff prays that it be granted relief from the provisions of the automatic stay with regard to the said real property in order to pursue its rights pursuant to the terms of the Note and Deed of Trust, to include the initiation of foreclosure proceedings, and further requests that the ten (10) day stay be waived incident to any Order entered incident to the Motion for Relief herein.

SUNTRUST MORTGAGE, INC.

By: /s/ERIC DAVID WHITE

Of Counsel

Samuel I. White, P. C.

Eric David White, Esquire, VSBN 21346

Michael T. Freeman, Esquire, VSBN 65460

1804 Staples Mill Road, Suite 200

Richmond, VA 23230

CERTIFICATE

I certify that a true copy of the foregoing Motion and Notice of Hearing was served by regular mail or email this 10th day of August, 2007, on all necessary parties including Herbert L. Beskin, Esquire, Trustee, Post Office Box 2103, Charlottesville, VA 22902-2103; H. David Cox, Esquire, Counsel for Debtor, 900 Lakeside Drive, Lynchburg, VA 24501; and Frank Thomas Dombrowski, Debtor, 15161 Montanus Drive, Culpeper, VA 22701.

/s/ERIC DAVID WHITE

Samuel I. White, P. C.